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*FW*

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/785,565	02/23/2004	Cyrus Ashtiani	510.1057

## CONFIRMATION NO. 9824

23280  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 SEVENTH AVENUE, 14TH FLOOR  
 NEW YORK, NY 10018

## FORMALITIES LETTER



\*OC000000012681450\*

Date Mailed: 05/17/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/09/2004 FFANAEIA 00000111 10785565

FILED UNDER 37 CFR 1.53(b)

01 FC:1252 420.00 OP  
 02 FC:1051 130.00 OP

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

*JH*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Mail Stop: MISSING PARTS  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450



In re application of: **Cyrus ASHTIANI, et al.**  
 Serial No.: 10/785,565  
 Filed: February 23, 2004  
 For: **METHOD FOR DETERMINING THE DETERIORATION OF A BATTERY**

Sir:

Transmitted herewith is a **Response to Notice to File Missing Parts (1 page)** in the above-identified application.

- Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- No fee for additional claims is required.
- A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY RATE	LARGE ENTITY RATE	OR
FOR:	REMAINING	HIGHEST	PRESENT			
	AFTER	PREVIOUSLY	PRESENT			
AMENDMENT	PAID FOR	EXTRA				
TOTAL CLAIMS	* Minus 20	=	0	\$ 9	\$ 18	
INDEP. CLAIMS	* Minus 3	=	0	\$ 43	\$ 86	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				\$ 145	\$ 290	
				TOTAL: \$	OR	TOTAL: \$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- Also transmitted herewith are:
  - Petition for extension under 37 C.F.R. 1.136
  - Other: Executed declaration and PoA (6 pages); Copy of Notice to File Missing Parts (2 pages)
- Check(s) in the amount of **\$550.00** is/are attached to cover:
  - Filing fee for additional claims under 37 C.F.R. 1.16
  - Petition fee for extension under 37 C.F.R. 1.136
  - Other: **Late Declaration Surcharge**
- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
  - Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
  - Any patent application processing fees under 37 C.F.R. 1.17.
  - Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

  
 William C. Gehris, Reg. No. 38,156  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on September 7, 2004.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
 Oliver Platz



510.1057

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Re: Application of: **Cyrus ASHTIANI, et al.**  
Serial No.: **10/785,565**  
Filed: **February 23, 2004**  
For: **METHOD FOR DETERMINING THE  
DETERIORATION OF A BATTERY**

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 7, 2004

Sir:

In response to the Notice to File Missing Parts dated May 17, 2004, a copy of which is enclosed, please find an executed Declaration/Power of Attorney form signed by the inventor, and a check in the amount of \$130.00 covering the filing surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By William C. Gehris  
William C. Gehris  
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